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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,893	11/19/2001	Barry Brown	RJENK24.001AUS	1339

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EXAMINER

JACKSON, ANDRE L

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 05/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/989,893

Applicant(s)

BROWN, BARRY

Examiner

Andre' L. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 5-9 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 4,114,925 to Burns. Burns (Figs. 1 and 2) discloses a holder device (21) for a golf bag (11) the holder device comprising a planar attachment portion (26a, 27a) for attachment to a golf bag collar strap (17), the attachment portion defining a longitudinal axis; a planar supporting portion (25) which extends from the attachment portion in a direction of the longitudinal axis and which is generally coplanar with the attachment portion, the supporting portion defining an aperture (28) there-through; and a retaining portion (30) which extends in a plane of the supporting ^{port ion} and which partially occludes the aperture of the supporting portion, the retaining portion being resiliently deformable out of the plane of the supporting portion so as to grip a projection (23).

Referring to claims 2-4, Burns discloses that the aperture is an elongate U-shaped cutout and the supporting portion is an elongate panel connected to leg members (26, 27) at opposing ends defining a base and tip portion respectively wherein the retaining portion extends from the base portion to the tip portion.

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,243,925 to Aszody Aszody (Figs. 1 and 2) discloses a holding device (1) for garments, the holding device comprising a planar attachment portion (6) for attachment to a suspension support (i.e. line or cord), the attachment portion defining a longitudinal axis; a planar supporting portion (2) which extends from the attachment portion in a direction of the longitudinal axis and which is generally coplanar with the attachment portion, the supporting portion defining an aperture (2d) there-through; and a retaining portion (3) which extends in a plane of the supporting, the retaining portion being resiliently deformable out of the plane of the supporting portion (as seen in Fig. 2) such that, in use, the retaining portion grips a projection (5) to prevent the holding device from being inadvertently released.

Referring to claims 2-4, Aszody discloses that the supporting portion further includes a boundary member (2a) that extends about the aperture. The supporting portion has an elongate arcuate shape and extends from a base portion (4) connected with the attachment portion to a tip portion (2b) thereby defining the arcuate aperture, wherein the retaining portion extends from the base portion towards the tip portion.

Allowable Subject Matter

Claims 5-9 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not disclose or suggest the combination of specific limitations as set forth in claims 5-9.

In particular, the prior art of record does not disclose or suggest a mail bag or mail bag assembly comprising a plurality of hooks, each hook having a planar attachment portion for attachment to the mail bag, the attachment portion defining a longitudinal axis; a planar supporting portion which extends from the attachment portion in a direction of the longitudinal axis and which is generally coplanar with the attachment portion, the supporting portion defining an aperture there-through; and a retaining portion which extends in a plane of the supporting portion and which partially occludes the aperture of the supporting portion, the retaining portion being resiliently deformable out of the plane of the supporting portion. None of the prior art of record discloses or suggests the above limitations whether taken alone or in combination.

Response to Applicant's Arguments

Applicant's arguments filed in Amendment A on February 11, 2003 with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection. Aszody and Burns have been cited which more clearly anticipates applicant's claims 1-4 and new claim 10. Accordingly, claims 1-4 and 10 are rejected. Claims 5-9 are allowed over the prior art of record.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Flantua, Mayer, Carmo et al, Specht et al and Paxton include structural elements similar to applicant's claimed limitations.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (703) 605-4276. The examiner can normally be reached on Mon. - Fri. (9 am - 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1018.

Andre L. Jackson
Patent Examiner
AU 3677

ALJ
May 14, 2003


ROBERT J. SANDY
PRIMARY EXAMINER